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*BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY*

*WASHINGTON BOROUGH COUNCIL MINUTES*

*April 5, 2022*

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The regular meeting of the Borough Council of Washington, Warren County, New Jersey was held in Councils Chambers at 7:00 P.M.

Roll Call: Conry, Heinrich, Noone, Norris and Ron.

Also Present: Matthew Hall, Manager  
Laurie A. Barton, Borough Clerk  
Leslie Parikh, Attorney

Absent: Cox

Deputy Mayor Conry led everyone in the flag salute.

Deputy Mayor Conry read the following statement into record:

The requirements of the Open Public Meetings Law, P.L. 1975, Chapter 231 have been satisfied in that adequate notice of this meeting has been published in the Express-Times (Warren County Edition and Star Ledger) and posted on the Boroughs website stating the time, place and purpose of the meeting as required by law

### **PUBLIC COMMENT**

Motion to open the public comment made by Heinrich and seconded by Noone, all were in favor.

Mel Thiel, BID Exec Dir, welcomed everyone back in person. Hometown Hero banners up around town. Sold 29 of them. More people want to buy also.

Gazebo in Veterans Park is coming along working on it every day, should be done in 2 weeks. A grant for half of cost of work through USDA was obtained.

Tomorrow there will be two ribbon cuttings for not for profit, Habit for Humanity and Two Hearts Animal Rescue. Saturday is Le Crepe Café's grand opening at Noon.

A full schedule of events from May 21<sup>st</sup> through the tree lighting, second week in December.

Mark Van Deursen, Chief, Washington Emergency Squad

Updates from last year to present:

2021 busiest year. Responded to 1662 emergency calls.

2022 about same pace very busy start to the year and is starting to level off.

Uptick in traffic accidents up to 15% this year. More people driving this year.

Seeing 50% people who call for us going to hospital.

25% we treat at wherever they call for us and refuse to go to hospital.

Sent out some data last month that was forwarded to council regarding Billing practice.

The figures that were sent out to council earlier this year an amount that was written off was about \$108,000 dollars which is about a quarter of what is billed. A large jump from what has seen in the past. We need to cover the amount that we write off with the subscription funds the borough gives us (donation). Open the conversation and ask that council to plan for that moving forward, so that the Rescue Squad can meet its requirements with federal government.

Matthew Bruce Jackson Valley Rd Oxford, stated he has a pending cultivating application with state and borough. Hold up is the requirements regarding residential distances. Ordinance was edited for cannabis retail for this exact reason. Mentioned at previous meetings there are no properties adjacent to business. Mr. Bruce asked for a status on the application he submitted to the borough for the letter of support.

Joseph Krefresky, South Lincoln Ave., express opinion-himself and members of this town upset that there is a cannabis recreational store going up in town. Presented statements to council regarding the pot industry. Citing studies with legalization of marijuana and issues with other states; seeing increase of crimes and mental health issues. Mr. Krefresky asked what are the qualifications of deputy mayor and who elects deputy mayor?

Hearing no further public comment, motion made by Norris and seconded by Heinrich to close the public portion, all were in favor.

## MINUTES

Motion made by Heinrich and seconded by Ron to approve the following minutes.

Noone abstained from Feb 1<sup>st</sup>; all were in favor.

Regular:        January 25, 2022  
                     February 1, 2022  
                     March 1, 2022  
                     March 15, 2022

Executive:     January 25, 2022  
                     February 01, 2022  
                     February 15, 2022  
                     March 01, 2022  
                     March 15, 2022

**NEW BUSINESS**

**ORDINANCES 2<sup>nd</sup> reading**

Motion made by Heinrich and seconded by Noone to open the public hearing for Ordinance 2022-01 all were in favor.

Hearing no public comment, motion made by Heinrich and seconded by Ron to close the public hearing, all were in favor.

Motion made by Mike and seconded by Ron to adopt Ordinance 2022-01

Roll Call: Conry, Heinrich, Noone, Norris and Ron.

Ayes: 4 Nays: 1 Norris

Motion passes.

**ORDINANCE 2022-01  
BOROUGH OF WASHINGTON  
WARREN COUNTY  
STATE OF NEW JERSEY  
AN ORDINANCE AMENDING THE TERM OF OFFICE FOR DEPUTY MAYOR**

**WHEREAS**, the Borough of Washington, County of Warren, State of New Jersey is governed by the Council-Manager Plan of government pursuant to N.J.S.A. 40:69A-1 et seq.; and,

**WHEREAS**, N.J.S.A. 40A:60-3(b) governs Boroughs and permits a Borough to elect a Council president:

At its annual meeting, the council shall, by the vote of a majority of its number, elect a president of the council, who shall preside at all its meetings when the mayor does not preside. The president of the council shall hold office for one year and until the next annual meeting. He shall have the right to debate and vote on all questions before council;

and

**WHEREAS**, Section 3-7 of the Borough's Ordinances, entitled "Election of Mayor and Deputy Mayor," currently reads:

A. Mayor shall be elected directly by majority vote of the voters of the municipality, and the Mayor shall serve for a period of four years beginning on January 1 next following his or her election.

B. A Deputy Mayor shall be elected as provided by law and shall serve for a term of two years until his successor is elected and qualifies. A Deputy Mayor may not serve two consecutive terms as Deputy Mayor.

and

**WHEREAS**, a “Deputy Mayor” is consistent with and carries the same responsibilities as “council president,” and is therefore an appropriate appointment to be made by the members of the Council from among their own number; and

**WHEREAS**, the two-year term of office for the Deputy Mayor in Borough Ordinance 3-7 appears to conflict with N.J.S.A. 40A:60-3(b) regarding the term of office which is noted to be one year; and

**WHEREAS**, the Governing Body of the Borough of Washington is now desirous to amend Section 3-7 of the Borough Ordinances to reflect the term of office for Deputy Mayor to be one year.

**NOW, THEREFORE, BE IT ORDAINED** by the Governing Body of the Borough of Washington, the County of Warren, as follows:

**SECTION 1.** Section 3-7 of the Code of the Borough of Washington entitled “Election of Mayor and Deputy Mayor” is hereby amended and supplemented as follows (Additions indicated in boldface and italics ***thus***; deletions indicated with strike-through ~~thus~~);

- A. Mayor shall be elected directly by majority vote of the voters of the municipality, and the Mayor shall serve for a period of four years beginning on January 1 next following his or her election.
- B. A Deputy Mayor shall be elected as provided by law and shall serve for a term of ~~two years~~ ***one year*** until ~~his~~ ***a*** successor is elected and qualifies. A ~~Deputy Mayor may not serve two consecutive terms as Deputy Mayor~~

**SECTION 2.** All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

**SECTION 3.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

**SECTION 4.** This Ordinance shall take effect upon final passage and publication according to law.

Motion made by Heinrich and seconded by Norris to open the public hearing for Ordinance 2022-02 all were in favor.

Chirs Caruso East Washington Ave-stated that he is in favor of this looking to open a dispensary and retail store. Thanked council

Hearing no further public comment, motion made by Noone and seconded by Norris to continue and carry public hearing to the April 19, 2022 meeting.

Roll Call: Conry, Heinrich, Noone, Norris and Ron.

Ayes: 5 Nays: 0

Motion passes.

Motion made by Heinrich and seconded by Noone to open the public hearing for Ordinance 2022-03 all were in favor.

Hearing no public comment, motion made by Norris and seconded by Ron to close the public hearing, all were in favor.

Motion made by Heinrich and seconded by Noone to adopt Ordinance 2022-03

Roll Call: Conry, Heinrich, Noone, Norris and Ron.

Ayes: 5 Nays: 0

Motion passes.

**ORDINANCE 2022-03  
CALENDAR YEAR 2022  
MODEL ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO  
ESTABLISH A CAP BANK  
(N.J.S.A. 40A: 4-45.14)**

**WHEREAS**, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

**WHEREAS**, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

**WHEREAS**, the Governing Body of the Borough of Washington in the County of Warren finds it advisable and necessary to increase its CY 2022 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

**WHEREAS**, the Borough of Washington hereby determines that a 1.0 % increase in the budget for said year, amounting to \$ 27,628.95 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

**WHEREAS** the Borough of Washington hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

**NOW THEREFORE BE IT ORDAINED**, by the Governing Body of the Borough of Washington, in the County of Warren, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2022 budget year, the final appropriations of the Borough of Washington shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5 %, amounting to \$ 96,701.33, and that the CY 2022 municipal budget for the Borough of Washington be approved and adopted in accordance with this ordinance; and,

**BE IT FURTHER ORDAINED**, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

## **RESOLUTIONS**

Motion made by Heinrich and seconded by Ron to adopt Resolution 2022-56.

Roll Call: Conry, Heinrich, Noone, Norris and Ron.

Ayes: 5 Nays: 0

Motion passes.

### **RESOLUTION 2022-56 RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF WASHINGTON ENDORING A SUSTAINABLE LAND USE PLEDGE FOR THE SUSTAINABLE JERSEY PROGRAM**

**WHEREAS**, land use is an essential component of overall sustainability for a municipality; and

**WHEREAS**, poor land use decisions can lead to, and increase, societal ills such as decreased mobility, high housing costs, increased greenhouse gas emissions, loss of open space, and the degradation of natural resources; and

**WHEREAS**, well planned land-use can create transportation choices, provide for a range of housing options, create walkable communities, preserve open space, provide for adequate recreation, and allow for the continued protection and use of vital natural resources; and

**WHEREAS**, given New Jersey's strong tradition of home rule and local authority over planning and zoning, achieving a statewide sustainable land-use pattern will require municipalities to take the lead;

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Washington, in the County of Warren and in the State of New Jersey as follows:

The **Borough of Washington** resolves to take the following steps with regard to our municipal land use decisions with the intent of making **Washington** a truly sustainable community. It is our intent to include

these principles in the next master plan revision and re-examination report. It is also our plan to update our land-use zoning, natural resource protection, and other ordinances accordingly.

**REGIONAL COOPERATION** - We pledge to reach out, as needed, to Washington, Franklin, and Mansfield Townships, the NJ Water Supply Authority, and the Department of Environmental Protection (DEP) for our land use decisions. We also will take into consideration regional impacts to these townships and organizations.

**TRANSPORTATION CHOICES** – As the Borough is approximately *two square miles*, we pledge to continue to promote safe walk-ability and more convenient access to housing, jobs, and amenities. Our goal is to reduce dependence on cars by allowing people to use other modes of transportation and reduce car trip frequency. We pledge to study the feasibility for additional walking, biking, and bus, as well as automobile travel. We will maintain borough paths to *existing trails*. We will support any opportunities to create additional paths throughout the borough. We will study the feasibility of creating a path from the proposed Shabbecong Mountain Preserve to Washington Avenue.

We will encourage residents and visitors to take advantage of our other transportation choices, such as Warren County Route 57 Shuttle services and 31 Ride. We will keep the free daytime parking spaces that currently exist in Washington Borough. All of the above promote shared parking within the borough and reduces the need to change more land into parking area.

**NATURAL RESOURCE PRESERVATION** – We pledge to preserve open space and create recreational opportunities within our municipality. As the most densely populated state in the nation, open space in New Jersey is at a premium. Preserving what is left of our open space, for its ecological and recreational value, is critical for a sustainable future.

**NATURAL RESOURCE PROTECTION** – We pledge to take action to protect and avoid or lessen negative impact to the natural resources of our Borough. These resources include all of our Green Acres properties and watershed areas including, but not limited to, the Shabbecong Creek, Pohatcong Creek, the Musconetcong River, and all watersheds connected thereto. The borough, county and state have preserved more than 46.54 acres of open space in Washington from potential urban development and for protection of watershed. Our borough-appointed committees oversee preserved open space areas, thus taking full advantage of their environmental and recreational value. We will continue to link our borough's preservation and management efforts to the state's open space and land use ordinances and be in accordance with the Highlands Regulations.

**MIX OF LAND USES** – We pledge to continue zoning practices which will keep Washington Avenue as a mixture of retail and rental housing options. We will also encourage our businesses to locate throughout the borough, in accordance with borough zoning ordinances.

**HOUSING OPTIONS** – We pledge to continue to allow zoning for a diverse mix of housing types and locations, which range from 200-year-old homes to those recently built. The borough contains houses on secluded wooded lots, on streets with or without sidewalks, condominiums and apartments. These homes include single- and multi-family, for-sale and rentals, affordable to households at a range of income levels. We will strive to enable residents to be able to live in Washington Borough throughout their lives.

**GREEN DESIGN** – We pledge to incorporate, where economically feasible, the principles of green design and renewable energy generation for existing and planned municipal buildings. We have, and will continue to explore alternative energy sources for these buildings. We will continue to repair and maintain historic facilities, as funds allow, and seek grants to support these efforts.

We pledge to continue with our weekly curbside recycling, seasonal Christmas tree and yard waste pick up, as well as, smaller recycling drives such as bulk waste. We will also continue to advise residents of these efforts via our borough newsletter and web site.

We have a Shade Tree Commission, charged by ordinance, to advise the Borough on tree-related activities. Our Planning Board reviews land use on environmentally sensitive land. For future planning, we will take into consideration environmentally-sensitive landscape features and historically important properties.

**MUNICIPAL FACILITIES** – We pledge, to the extent environmentally and financially feasible, to consider factors such as walk-ability, bike-ability, and open space when creating new or relocating municipal facilities.

To reiterate, all the above pledges are contingent upon funding.

Motion made by Noone and seconded by Norris to adopt Resolution 2022-57.

Roll Call: Conry, Heinrich, Noone, Norris and Ron.  
Ayes: 5 Nays: 0  
Motion passes.

#### **RESOLUTION 2022-57**

#### **RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES CONTRACT TO BARTLETT TREE EXPERTS, OF LEBANON, NEW JERSEY TREE FOR TREE INVENTORY AND MANAGEMENT PLAN UNDER THE DEPARTMENT OF ENVIRONMENTAL PROTECTION SAGE GRANT PROGRAM**

**WHEREAS**, the Borough Council of the Borough of Washington has a need to contract the services through the SAGE grant program and;

**WHEREAS**, Shade Tree was approved for the SAGE Grant in 2021 resolution 2021-143 and;

**WHEREAS**, Bartlett Tree Experts have submitted a quote in the amount of \$22,516.00 and;

**WHEREAS**, the Chief Financial Officer will certify to the Borough Clerk the availability of funds and;

**THEREFORE, BE IT RESOLVED**, that the Borough Council of the Borough of Washington that Bartlett Tree Experts is hereby awarded the contract and;

**BE IT FURTHER RESOLVED** that Rose Witt, the Borough Qualified Purchasing Agent issue the appropriate purchase order in the amount of \$22,516.00

Motion made by Norris and seconded by Heinrich to adopt Resolution 2022-58.

Roll Call: Conry, Heinrich, Noone, Norris and Ron.

Ayes: 5 Nays: 0

Motion passes.

**RESOLUTION 2022-58**

**RESOLUTION AUTHORIZING WASHINGTON BOROUGH TO ACCEPT A SUBGRANT AWARD OF THE FEDERAL FISCAL YEAR 2021 OF EMERGENCY MANAGEMENT PERFORMANCE GRANT AND EMERGENCY MANAGEMENT AGENCY ASSISTANCE**

**WHEREAS**, the (Washington Borough) Office of Emergency Management has been awarded State Homeland Security Grant Program Sub-grant AFN #97.042, Subgrant Award #FY21-EMPG-EMAA-XXXX from the New Jersey Department of Law and Public Safety, Office of the Attorney General. The subgrant, consisting of \$10,000.00 Federal Award is for the purpose of enhancing the City's ability to prevent, protect against, respond to and recover from acts of terrorism, natural disasters and other catastrophic events and emergencies; and

**WHEREAS**, the (Washington Borough) will use these funds to enhance your Emergency Management Program and that the funds will be used for Emergency Management purposes; and

**WHEREAS**, the award period is from July 1, 2021 to June 30, 2022; and

**WHEREAS**, the subgrant award incorporates all conditions and representations contained or made in application and notice of award; and

**WHEREAS**, the (Washington Borough) Office Emergency Management, designated by the New Jersey State Police, Office of Emergency Management, has submitted an Application for Subgrant Award that has been required by the said New Jersey State Office of Emergency Management.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the (Washington Borough), in the County of (Warren), State of New Jersey:

1. That the Council accepts the award of the FFY21 Emergency Management Performance Grant Program (EMPG), Emergency Management Agency Assistance Subgrant (EMAA) in the amount of up to \$10,000.00 Federal Funds from the New Jersey State Police, Office of Emergency Management.
2. That the Chief Financial Officer and Director of Emergency Management are authorized to sign the appropriate subgrant award documents.
3. That copies of this resolutions shall be forwarded to the New Jersey State Police, Office of Emergency Management, the City Business Administrator, the Chief Financial Officer and the County Division of Emergency Management and Office of Treasury.

## **NEW BUSINESS**

### Taco Bell Parking Ordinance-discussions

Ray Rice, member of the developer of Taco Bell will soon start the construction of the balance of the project at the town center cite.

Requirement to provide 7 overnight parking spaces. Requires an ordinance and permits to be issued by the borough. Request an ordinance be made to go forward. Significant amount of people parking there causing a major disruption to business.

Requesting an insurance indemnification from borough for tenant and developer.

Attorney Parikh mentioned that the draft ordinance proposes 10 spaces. Discussions ensued regarding parking issues and maintenance of lot.

### Robert Mitchell, Fireman's Application-approval

Motion made by Norris and seconded by Heinrich to approve the application, all in favor.

### Land Use Appointments

Scott McDonald-Term expires: 1/01/2026

Susan Henderson- Term expires: 1/01/2026

Angelina Bridygham -Term expires: 1/01/2026

Motion made by Heinrich and seconded by Noone to approve the foregoing Land Use Board appointments; all in favor.

### Library Board Appointment

Kevin Noone

Motion made by Norris and seconded by Heinrich to approve the foregoing Library board appointment; all were in favor with Noone abstaining.

## **VOUCHERS AND CLAIMS**

Motion made by Norris seconded by Heinrich to pay vouchers and claims.

Roll Call: Conry, Heinrich, Noone, Norris and Ron.

Ayes: 5 Nays: 0

Motion passes.

## **COUNCIL REMARKS**

Councilman Norris gave the following remarks:

- Asked if the code enforcement and parking attendant back to work?

Councilwoman Ron gave the following remarks:

- Glad to be here in person. Looking forward to continue collaboration to make Washington a better place.

Councilman Heinrich gave the following remarks:

- Viewed the biggest bear he has ever seen on his home camera last night.

Councilwoman Noone gave the following remarks:

- Happy to be back in person. Looking forward to grand openings tomorrow and Saturday

Deputy Mayor Conry gave the following remarks:

- So happy to see this room filled. Hope to see everyone again on the 19<sup>th</sup>. Great to see the faces here tonight.

### **EXECUTIVE SESSION**

Motion made by Norris and seconded by Noone to enter into executive session for contract negotiations all were in favor. Action may be taken after executive session. 8:03 PM

### **RESOLUTION** **AUTHORIZING EXECUTIVE SESSION**

**WHEREAS**, the Open Public Meetings Act, P.L. 975, Chapter 231 permits the exclusion of the public from a meeting in certain circumstances; and

**WHEREAS**, this public body is of the opinion that such circumstances presently exist; and

**WHEREAS**, the Governing Body wishes to discuss CWA contract and minutes will be kept and once the matter involving the confidentiality of the above no longer requires that confidentiality, then the minutes can be made public.

**NOW THEREFORE BE IT RESOLVED**, that the public be excluded from this meeting.

Motion made by Heinrich and seconded by Norris to return to regular session at 8:19 p.m. all were in favor.

### **ADJOURN**

Hearing no further business to come before Council, motion made by Norris and seconded by Heinrich to adjourn the meeting at 8:20 PM, all were in favor.

Laurie A. Barton, RMC  
Borough Clerk